



COMMON COUNCIL MEETING

Changepoint Theatre

Tuesday, September 7, 2021

6:30 p.m.

*6:00 Public Hearing regarding the proposed Local Law establishing a
Division of Youth Services*

I. ROLL CALL:

II. READING OF ITEMS by the City Chamberlain of any items not listed on the printed agenda.

III. PUBLIC PARTICIPATION:

IV. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

V. MAYOR'S COMMENTS

VI. REPORTS OF COMMITTEES AND BOARDS:

**1. SOUTHERN WATERFRONT REDEVELOPMENT TASK FORCE
REPORT, CO-CHAIR COUNCILMEMBER BRANNEN**

VII. MOTIONS AND RESOLUTIONS:

1. **SEQRA Resolution R-21-67 and Sale Resolution R-21-68**, Sale of City Owned Property Located at 171 S. Cherry Street, Tax Map No. 6161-31-318779.
2. **SEQRA Resolution R-21-69 and Sale Resolution R-21-70**, Sale of Vacant City Owned Lot located at 38 High Street: 6162-62-218257.
3. **Resolution R-21-71**, setting a Public Hearing on the proposed Good Cause Eviction legislation.
4. **Resolution R-21-72**, acceptance of a GIGP Grant for Park Improvements at Malcolm X Park.

VIII. ORDINANCES AND LOCAL LAWS:

IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. **A COMMUNICATION FROM CITY ADMINISTRATOR NELSON**, regarding Renewal of a License Agreement with Poughkeepsie Waterfront Development, LLC.
2. **FROM CAMERON CALVIN HARDY**, a notice of personal injury sustained on August 17, 2021.

X. UNFINISHED BUSINESS:

XI. NEW BUSINESS:

XII. ADJOURNMENT:

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-21-67)**

INTRODUCED BY COUNCILMEMBER: CHERRY

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 171 South Cherry Street and identified as Tax Map No. 6161-31-318779; and

WHEREAS, the Common Council considers the proposed sale to be an Unlisted Action under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, the Common Council considers itself to be the only "involved agency" with respect to this proposed sale of properties; and

WHEREAS, the Common Council has reviewed the proposed sale of properties in accordance with Title 6 NYCRR, Section 617.11; and

WHEREAS, the Common Council has considered the hereto attached Short Environmental Assessment Form (EAF)

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and

6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R-21-68)

INTRODUCED BY COUNCILMEMBER: CHERRY

WHEREAS, the City of Poughkeepsie has previously taken title to a single family house located at 171 South Cherry Street (Tax Map No. 6161-31-318779), in the City of Poughkeepsie by reason of unpaid real property taxes; and

WHEREAS, the above mentioned property has been offered for sale by the City in accordance with the policy for the sale of City owned property; and

WHEREAS, an offer has been received from Chaderton R. Adams in the amount of \$58,900; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Chaderton R. Adams is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for this property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

RESOLVED, that the offer from Chaderton R. Adams to purchase premises known as 171 South Cherry Street (Tax Map No. 6161-31-318799), in the City of Poughkeepsie for the sum of \$58,900.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

RESOLVED, that this sale is approved subject to the following conditions:

- A. That the Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;**

- C. Purchaser will apply for building permits for the renovation of the premises within 30 days after the closing of title;**
- D. Purchaser shall abate any and all building code violations during the course of renovating the premises.**
- E. Purchaser agrees that, after building permits have been issued and renovations have commenced, he will complete work within one year. In the event Purchaser is unable to complete the work through no fault of his own, he will request an extension of time from the Property Acquisition and Disposition Committee;**
- F. Purchaser agrees that they shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation;**
- G. Purchaser agrees that the premises will be owner-occupied for three (3) years from the date of transfer and will execute an agreement to ensure compliance.**
- H. Purchaser shall accept such title to the real property as the City of Poughkeepsie is possessed of and agrees to accept such title by quitclaim deed subject to any defects or encumbrances as are of record**
- I. Purchaser shall execute a Developer Agreement setting forth an agreement for rehabilitation as approved by Corporation Counsel.**

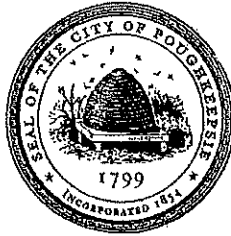
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the deed and any other documents required to effect the sale, provided such deed contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER _____.

The City of Poughkeepsie

New York

John Taylor
Assessor



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601

845-451-4039
Fax: 845-451-4181

August 25, 2021

Re: 171 S Cherry Street
6161-31-318779

Mr. Marc Nelson
City of Poughkeepsie Administrator

Mr. Nelson,

Pursuant to your request, I have been asked to estimate an opinion of market value for the above captioned subject properties for the purpose of marketing. The value reported on the property is qualified by certain assumptions, limiting conditions and definitions. The Valuation was prepared for Mr Marc Nelson, City Administrator and is intended for his specified use.

The property is located at 171 S Cherry Street, City of Poughkeepsie and consists of one parcel, totaling 0.17 acres, improved with a 2 Family home (NYS Class 220). At present, the improvement is vacant, does not have a C/O and is in need of rehabilitation. A field inspection has been performed. Additionally, it must be understood that no plans or survey have been reviewed, there are no known deed restrictions, zoning restrictions or other legal restrictions that would have an adverse effect on the establishment of market value.

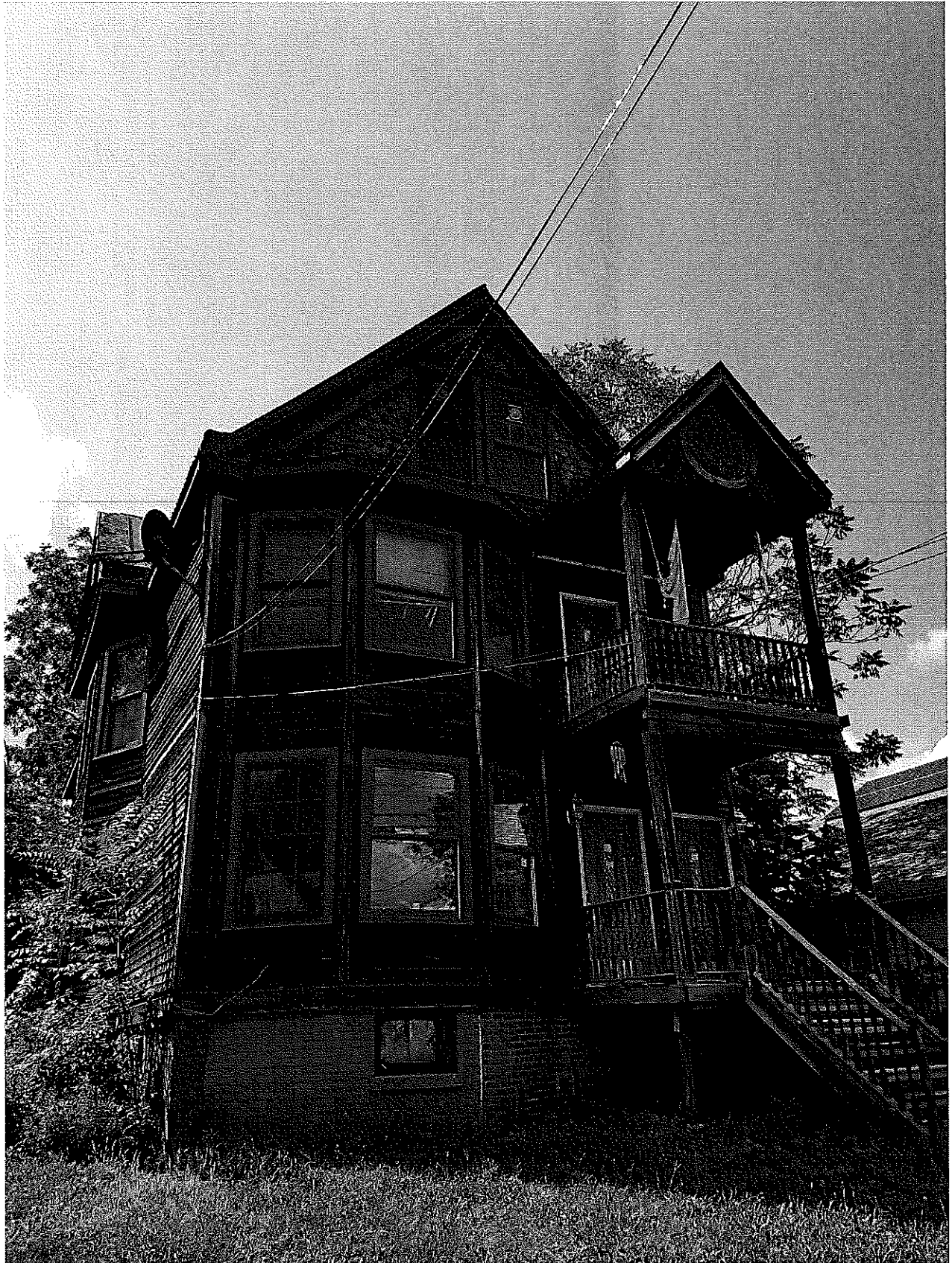
To establish an opinion of market value, a Sales Approach was utilized based on sales of similar properties, within the subject general market area. In this approach, value is based on the transfer of properties considered to be similar in use and condition. Due to the lack of recent sales within the subject immediate neighborhood, it was necessary to expand the search and utilize property with similar functional utility. Any and all data, reasoning and/or analysis used to develop the opinion of value has been retained and any depth of discussion is specific to the needs of the intended user and the intended use.

After careful consideration, I have concluded an estimated Market Value of the subject property, to be \$50,000.

Respectfully,

John Taylor
Assessor

City of Poughkeepsie





Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Sale of City Owned Property- 171 South Cherry Street			
Project Location (describe, and attach a location map): 171 South Cherry Street			
Brief Description of Proposed Action: The City is selling a two-family City Owned property located at 171 South Chery Street. The Proposed buyer has proposed to purchase the property and renovate it making it habitable. There is not proposed major structural changes.			
Name of Applicant or Sponsor: City of Poughkeepsie Common Council		Telephone: (845) 451-4200 E-Mail: citychamberlain@cityofpoughkeepsie.com	
Address: 62 Civic Center Plaza			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		0.17 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.17 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☒	YES ☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO ☒	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING A SALE OF
CERTAIN CITY OWNED PROPERTIES
(R-21-69)**

INTRODUCED BY COUNCILMEMBER: L. JOHNSON

WHEREAS, the Common Council of the City of Poughkeepsie is considering the sale of city owned property located at 38 High Street and identified as Tax Map No. 6162-62-218257; and

WHEREAS, the Common Council considers the proposed sale to be an Unlisted Action under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, the Common Council considers itself to be the only "involved agency" with respect to this proposed sale of properties; and

WHEREAS, the Common Council has reviewed the proposed sale of properties in accordance with Title 6 NYCRR, Section 617.11; and

WHEREAS, the Common Council has considered the hereto attached Short Environmental Assessment Form (EAF)

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In accordance with Section 617.5(a)(1) of Title 6 NYCRR, the Common Council determines that the above described action is subject to SEQRA; and
2. In accordance with Section 617.5(a)(2) of Title 6 NYCRR, the Common Council determines that the action does not involve a federal agency; and
3. In accordance with Section 617.5(a)(3) of Title 6 NYCRR, the Common Council determines that the above described action does not involve any other agencies; and
4. In accordance with Section 617.5(a)(4) of Title 6 NYCRR, the Common Council classifies the above described action as an unlisted action. The Common Council in making such classification considered Section 617.12 of Title 6 NYCRR and determined that the above action did not fall into any of the categories listed under Type I, and also considered Section 617.13 of NYCRR and determined that the above described action did not fit under any of the categories listed under Type II Actions, thus reaching the conclusion that it is to be considered an unlisted action; and
5. In accordance with Section 617.5(a)(5) the Common Council determines that the above described project will not require a long EAF since the short EAF provides sufficient information; and

6. The Common Council officially makes a determination of non-significance in that the proposed sale of properties are not expected to result in a significant adverse impact on the environment and, therefore, the preparation of a draft environmental impact statement is not necessary; and
7. This determination shall be considered a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law; and
8. The City Chamberlain shall maintain a file of this determination as well as the attached EAF which is hereby made a part of this resolution.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R-21-70)

INTRODUCED BY COUNCILMEMBER: L. JOHNSON

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as 38 High Street (Tax Map No. 6162-62-218257), in the City of Poughkeepsie by reason of a Treasurer's Deed; and

WHEREAS, the above mentioned properties have been offered for sale by the City in accordance with the policy for the sale of City owned property; and

WHEREAS, an offer has been received from Shane Bartholomew to purchase this property for the sum of \$10,000; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, one of which is to return properties to the tax rolls, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from Shane Bartholomew is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for this property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

RESOLVED, that the offer from Shane Bartholomew to purchase premises known as 38 High Street (Tax Map No. 6162-62-218257), in the City of Poughkeepsie for the sum of \$10,000.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

RESOLVED, that this sale is approved subject to the following conditions:

- A. That the Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.**
- B. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning**

Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;

- C. Purchaser's obligation to purchase such property shall be contingent upon Seller removing the improvements, content thereof and debris from the property prior to closing;**
- D. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and**
- E. Purchaser will promptly apply to the County of Dutchess Real Property Tax Service Agency to merge this parcel with 36 High Street (Tax Map No. 6162-62-210255) to form one tax parcel.**

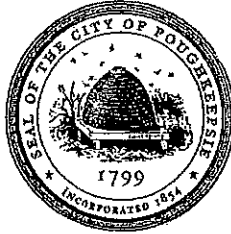
BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into an Agreement for Sale of Land for the above mentioned transaction provided such agreement contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER _____.

The City of Poughkeepsie

New York

John Taylor
Assessor



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601

845-451-4039
Fax: 845-451-4181

August 25, 2021

Re: 38 High Street
6162-62-218257

Mr. Marc Nelson
City of Poughkeepsie Administrator

Mr. Nelson,

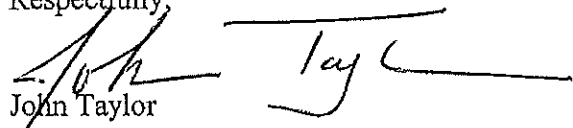
Pursuant to your request, I have been asked to estimate an opinion of market value for the above captioned subject properties for the purpose of marketing. The value reported on the property is qualified by certain assumptions, limiting conditions and definitions. The Valuation was prepared for Mr Marc Nelson, City Administrator and is intended for his specified use.

The property is located at 38 High Street, City of Poughkeepsie and consists of one land locked parcel with no public access, totaling 0.17 acres, improved with Storage (NYS Class 449). At present, the improvement is in a state of complete deterioration with extensive debris. A field inspection has been performed. Additionally, it must be understood that no plans or survey have been reviewed, there are no known deed restrictions, zoning restrictions or other legal restrictions that would have an adverse effect on the establishment of market value.

To establish an opinion of market value, a Sales Approach was utilized based on sales of similar properties, within the subject general market area. In this approach, value is based on the transfer of properties considered to be similar in use and condition. Due to the lack of recent sales within the subject immediate neighborhood, it was necessary to expand the search and utilize property with similar functional utility. Any and all data, reasoning and/or analysis used to develop the opinion of value has been retained and any depth of discussion is specific to the needs of the intended user and the intended use.

After careful consideration, I have concluded an estimated Market Value of the subject property, 'subject to' the clearing of debris to be \$10,000.

Respectfully,


John Taylor
Assessor
City of Poughkeepsie

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Sale of City Owned Property- 38 High Street			
Project Location (describe, and attach a location map): 38 High Street			
Brief Description of Proposed Action: The City is selling a two-family City Owned property located at 38 High Street. The Proposed buyer has proposed to purchase the property and combine it with land he owns at 36 High Street.			
Name of Applicant or Sponsor: City of Poughkeepsle Common Council		Telephone: (845) 451-4200 E-Mail: citychamberlain@cityofpoughkeepsle.com	
Address: 62 Civic Center Plaza			
City/PO: Poughkeepsle		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES ☐
3. a. Total acreage of the site of the proposed action? 0.17 acres b. Total acreage to be physically disturbed? 0.00 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.17 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☒	YES ☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO ☒	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

**RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL
INTRODUCING A LOCAL LAW ENTITLED "PROHIBITION OF EVICTION
WITHOUT GOOD CAUSE" AND PROVIDING FOR PUBLIC NOTICE AND
HEARING**

(R-21-71)

INTRODUCED BY CHAIR SALEM, COUNCILMEMBER MENIST:

BE IT RESOLVED, that an introductory Local Law, entitled "PROHIBITION OF EVICTION WITHOUT GOOD CAUSE" be and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York 12601 for the purpose of receiving comment on the proposed Local Law on October 4, 2021 at 5:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least ten (10) days prior thereto.

SECONDED BY _ _ _ _ _

**A LOCAL LAW AMENDING CHAPTER 12 ENTITLED "HOUSING"
OF THE CODE OF THE CITY OF POUGHKEEPSIE TO PROHIBIT
EVICTIONS WITHOUT CAUSE**

Section 1. Title

This local law shall be known as Local Law No. for the year 2021.

Section 2. Legislative Findings, Intent and Purpose.

Renters in the City of Poughkeepsie, especially low- and moderate-income renters are increasingly faced with the refusal of landlords to continue to rent to otherwise credit-worthy tenants and tenants who are otherwise following all applicable laws. Increased real estate prices in the city is leading to increases in gentrification and the displacement of tenants who cannot afford increasing rents. The purpose of this law is to protect tenants from exorbitant rent increases that could result in increased homelessness within the City.

Section 3. Statement of Authority

This local law is authorized by the Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York).

Section 4. Amendment to the Code of the City of Poughkeepsie

Chapter 12 of the Code of the City of Poughkeepsie, entitled " Housing" is amended by ADDING the following Division within Article III entitled "Minimum Standards":

DIVISION 9

Prohibition of Eviction Without Good Cause

Section 12-175 Grounds for removal of tenants

- A. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established one of the following grounds as good cause for removal or eviction:
- (1) The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unconscionable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases that is imposed for the purpose of circumventing this article, the Court may consider, among other factors,
- i) the rate of the increase relative to the tenant's ability to afford said increase, ii) improvements made to the subject unit or common areas serving said unit, iii)

whether the increase was precipitated by the tenant engaging in the activity described at Section 223-b (l)(a)-(c) of the Real Property Law, iv) significant market changes relevant to the subject unit, and v) the condition of the unit or common areas serving the unit, and it shall be a rebuttable presumption that the rent for a dwelling is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent;

- (2) The tenant is violating a legal obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation ceases within ten days of receipt of such written notice, provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article;
- (3) The tenant is committing or permitting a nuisance in such housing accommodation, common areas, or other areas of the property, or is maliciously or by reason of negligence damaging the housing accommodation, common areas, or other areas of the property; or the tenant's conduct is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures, including but not limited to, smoking inside the residential unit where smoking inside the residential unit has been prohibited by the landlord and such prohibition has been communicated to the tenant, failing to dispose of waste created by the tenant's pet(s) from the property on which the residential unit is located in accordance with relevant laws, repeatedly engaging in activities that cause an unreasonable amount of noise or allowing others to do so without taking appropriate steps to mitigate such noise, and causing the accumulation of excessive rubbish and/or garbage in the residential unit and common areas
- (4) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefor; provided however that the City of Poughkeepsie or other qualified governmental entity has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the

right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws;

- (5) The tenant is using or permitting the housing accommodation to be used for an illegal purpose;
- (6) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;
- (7) The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as principal residence of their partner, spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-two years of age or older or who is a disabled person;
- (8) The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy such housing accommodations as their principal residence;
- (9) The owner-landlord has in good faith entered into a contract for the sale of the housing accommodation and such contract requires that the housing accommodation be transferred free and clear of any and all residential tenancy obligations as a condition of such sale where the owner-landlord has no shared financial or other interest with the potential buyer other than the sale of the housing accommodation in question and submitted sufficient proof to the court thereof
- (10) Where the tenant has refused in bad faith to enter into a written lease which has been offered in good faith to the tenant by the landlord, subject to the following:
 - (a) The proposed written lease must have been offered to the tenant in writing on at least two occasions at least two weeks apart, and such written offer shall include:
 - (i) an original and one copy of the proposed written lease, executed by the landlord or their designee;
 - (ii) notice of the landlord's intention to pursue eviction if the tenant rejects the proposed written lease and/or does not enter into said lease within thirty days of the initial offer and specifying that the landlord may pursue

eviction at any time between the expiration of the 45 days and 120 days of the date of such offer;

(iii) clear instructions to the tenant concerning the manner in which the tenant is to communicate to the landlord acceptance or rejection of the written lease;

(iv) Notice of any proposed increase in rent equal to or greater than 5% shall be provided in compliance with Real Property Law § 226-C;

(b) the proposed written lease shall not supersede an existing, active lease to which the landlord and the tenant are parties;

(c) The terms of the proposed written lease may not

(i) be unconscionable and/or mandate or proscribe activities not rationally related to the regulation of activities that would create a nuisance at the property or cause discomfort to the tenants or occupants of the same or adjacent buildings or structures, including, but not limited to activities described in subdivision (3) of subsection A above; or

(ii) substantially alter the terms any of any existing lease other than to provide reasonable clarification of the terms and conditions of the tenancy;

(d) the proposed written lease shall not be offered for the purposes of circumventing this article;

(e) the tenant shall be entitled to dismissal of any eviction petition brought for the tenant's refusal to enter into a lease according to these terms if

(i) the tenant consents to enter into the proposed written lease presented in the first offer pursuant to subsection 10(a) at any time prior to the earlier of the execution of the warrant of eviction or the good faith execution of an enforceable lease agreement between the landlord and a different party in arms-length transaction for the premises occupied by the tenant regardless of landlord's willingness to accept said consent at the time it is communicated; and/or

(ii) prior to the commencement of the eviction proceeding the tenant attempted in good faith to negotiate the terms of the proposed written lease without substantially altering the terms of the prior lease agreement and that the landlord refused in bad faith to engage in such negotiation; and/or

(iii) the tenant's failure to enter into the proposed written lease was due to a good faith failure to comprehend the terms of the proposed written lease;

(iv) the tenant is a victim of domestic violence as defined by NY Social Service Law §459-A and is unable to safely enter into the proposed written lease due to good faith concerns for the tenant's personal safety; and/or

(v) the proposed written lease includes an increase in rent or increase in the tenant's responsibility for recurring payments associated with the tenancy that would violate the terms or intent of subdivision (1) of subsection (A), above;

(f) that any proceeding for eviction pursuant to this subsection shall have been commenced within 120 days of the proposed written lease first having been offered to the tenant, provided, however, the landlord may commence the process for execution of a lease pursuant to this subdivision by submitting a new or revised lease to the tenant that would recommence the 120-day time period for a potential eviction action pursuant to this subdivision.

Section 5. Severability.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Fact Sheet: Good Cause Eviction

Good Cause Eviction gives every tenant the right to a renewal lease, and protects against predatory rent increases and unfair evictions.

- It stops landlords from removing tenants from apartments without an order from a judge. The judge would decide if an eviction is for a good cause. "Good Causes" include:
 - Failure to pay rent
 - Violating terms of the lease
 - Causing a nuisance
 - Violation of the law
 - The owner is selling the building
- It gives tenants the right to continue to live in their homes regardless of lease status, which grants tenants the power to stand up to their landlords and demand other things -- like safe living conditions/quality of life concerns -- without fear of retaliation.
- Rent increases could be considered "unconscionable," by the Court and inability to pay them could be considered an unlawful "eviction" depending on other conditions. The Court may consider:
 - The rate of the increase relative to tenants' ability to pay
 - Improvements to the building
 - Whether the increase is retaliatory for the tenant organizing a tenant union
 - Market changes
 - The condition of the apartment/common area
- It is a rebuttable presumption that the rent increase is unconscionable if it exceeds 5% in a calendar year (the judge must presume that if a rent hike is over 5% that it is unconscionable unless the landlord can prove otherwise. The landlord can do this through methods such as providing receipts for necessary repairs, et cetera)

Good Cause Eviction will help our municipality, homeowners, tenants, and good landlords

- Our renters are currently commonly evicted for unjustifiable reasons, creating wide-scale housing instability
- Housing instability affects all aspects of life: from physical and mental health to academic and employment outcomes.
 - When individuals face this kind of instability, it doesn't just affect them - entire neighborhoods start to deteriorate.
- Our municipality has a bottom-line interest in housing stability: when financially insecure residents are evicted from their homes, we all pay the price. Our municipal budget pays a big price due to lost tax revenue, unpaid utilities, and the costs associated with services for homeless people.
- By slowing speculation, Good Cause helps first-time homebuyers compete in the market.

- Good landlords already abide by what is in Good Cause. This law doesn't aim to punish them - it works to stop bad landlords from having an unfair advantage in the market over good landlords.
 - It rewards good landlords and discourages bad ones from predatory exploitation of tenants.

All housing is covered by Good Cause except:

- Owner-occupied premises with less than two units;
- Apartments covered by subleases
- Premises, where use or occupancy is incident to employment and employment, is being terminated
- Housing that is subsidized and subject to a federal or state regulatory agreement

What doesn't Good Cause eviction do?

- It doesn't protect tenants who break the terms of their lease: for non-payment, for crime, et cetera.
- It doesn't stop an owner from selling a home they no longer live in, and, if the new owner would like to use the home for personal use, evicting the tenant.
- Prevent investment or development -- new construction is set at the market rate rent
- Personal use by the landlord is considered a good cause for eviction. Landlords are able to reclaim apartments covered by good cause for their own use on households with less than 12 units.
- Protect tenants from rent increases based on other things: capital repair costs, fees, et cetera.
- It doesn't regulate the rent in between tenancies.

FAQ: Good Cause Eviction

Will Good Cause Eviction legislation make it near impossible for landlords to evict problem tenants, use their properties themselves, or sell their properties?

- No. Good Cause Eviction means that a landlord must have a good reason to evict a tenant from their housing.
- It doesn't protect tenants who break the terms of their lease: for non-payment, for crime, et cetera.
- It doesn't stop an owner from selling a home they no longer live in, and, if the new owner would like to use the home for personal use, evicting the tenant.
- It doesn't prevent investment or development -- new construction is set at the market rate rent
- Personal use by the landlord is considered a good cause for eviction. Landlords are able to reclaim apartments covered by good cause for their own use on households with less than 12 units.
- It doesn't protect tenants from rent increases based on other things besides rent: landlords would be able to pass capital repair costs onto their tenants, for example.
- It doesn't regulate the rent in between tenancies.

Does it make it impossible for small landlords to make a profit?

- No. Small landlords can still make a profit.
- The bill just stops bad landlords from being able to unfairly evict tenants or make predatorily-high rent increases.
- Landlords are still able to evict tenants and increase rent.
- Good landlords already abide by what is in Good Cause. It stops bad landlords from having an unfair advantage in the market over good landlords.

What if the owner lives in the building?

- The bill exempts owner-occupied buildings of less than a certain number of units.

Where else has this been done?

- Good Cause has been passed in Albany, NY, and many other municipalities in New York are also moving towards passing it. It has been passed and is currently being implemented successfully in cities across the US like Oakland and San Jose.

Is this rent control?

- No, it's not. Landlords can still raise rents freely in a number of cases.

But isn't saying there can't be rent hikes of more than 5% rent control?

- That's not actually what the law says
- The law says that if a landlord wants to raise by more than 5% a judge will need to make sure that this is an appropriate increase given the context rather than a manipulative way to evict a tenant

Shouldn't the state do this instead?

- We hope the state does this, but so far has failed to do so. In the meantime, the housing crisis in our communities must be addressed locally.
- Our community can lead the way towards statewide Good Cause by passing this now.

Isn't this pre-empted at the state level?

- No, it's very clearly not pre-empted at the state level.
- The City of Albany; Ellen Davidson, a Staff Attorney in the Law Reform Unit of the Civil Practice Area of the Legal Aid Society; and many other lawyers and legal organizations have clearly determined good cause is not pre-empted at the state level

How will Good Cause Eviction save money for municipalities?

- Municipalities will recover money that is lost due to unpaid utilities, lost tax revenue, and the costs associated with carrying out evictions.
- They will also spend less on assistance programs for homeless folks (because less people will be homeless!)

But tenants can back out of a lease once they've already committed to renewing

- This has nothing to do with a tenant or landlord's duties to execute a lease
- Landlords have a duty to mitigate if the tenant breaks the lease but if they cannot lease up, the tenant is on the hook for the rent that comes due during those months.

Isn't this unfair to landlords who have never evicted anyone for bad reasons or raised their rent an unconscionable amount?

- Not at all, it's actually good for them!
- If landlords aren't doing those negative things then this law won't change anything for them
- It'll just make it easier for them to compete in the market with bad landlords who will no longer be able to get ahead of the good landlords by mistreating their tenants

(R-21-72)

**RESOLUTION ACCEPTING A GRANT UNDER THE GREEN INNOVATION GRANT
PROGRAM FOR IMPROVEMENTS TO MALCOLM X PARK**

INTRODUCED BY COUNCILMEMBER LORRAINE JOHNSON:

WHEREAS, the City of Poughkeepsie has been awarded a grant from the New York State Environmental Facilities Corporation (“EFC”) under the Green Innovation Grant Program (“Grant Program”) in the amount of \$355,000 for improvements to Malcolm X Park; and

WHEREAS, the City will utilize the grant to improve the Park with the following “green technologies”: (1) the installation of a 500 square foot bioswale/bioretenction area to treat runoff from precipitation events; (2) the installation of a 1500 square foot rain garden to be located at the northerly end of the site to treat tributary runoff from the proposed pavilion and the adjoining park areas; (3) the existing asphalt tennis court and asphalt walkways will be removed and seeded to increase green space and reduce the amount of impervious surfaces, which will result in the reduction of runoff. (the, “Project”); and

WHEREAS, the City will commit at least \$39,639 from its General Fund in order to meet the Grant Program’s local match requirement and may commit other in-kind city services; and

WHEREAS, pursuant to 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

NOW THEREFORE,

BE IT RESOLVED, that the City of Poughkeepsie Common Council authorizes Mayor Robert G. Rolison to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the City of Poughkeepsie’s obligations under the Grant Agreement; and be it further,

RESOLVED, that the City of Poughkeepsie Common Council authorizes the Mayor or the City Administrator to increase this local match through the use of in-kind services without further approval from the City of Poughkeepsie Common Council; and be it further

RESOLVED that the City of Poughkeepsie hereby determines that the proposed improvements Malcolm X Park is a Type II action in accordance with 6 NYCRR Section 617.5(c)(1) as “maintenance or repair involving no substantial changes in an existing structure or facility”, Section 617.5(c)(2) as a “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes...”, Section 617(c)(3) as a “retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure”, Section 617.5(c)(4) as “agricultural farm practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming”, Section 617(c)(8) as “maintenance of existing landscaping or natural growth”, and Section 617(c)(9) construction or expansion of primary or accessory/appurtenant nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities” and is therefore not subject to further review under 6 NYCRR Part 617.

SECONDED BY: _____



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 13, 2021

Natalie Quinn
Planning Director
City of Poughkeepsie
62 Civic Center Plaza
2nd Floor
Poughkeepsie, NY 12601

Re: NYSEFC
Malcolm X Park Improvements
131 Mansion St, Poughkeepsie, NY 12601
21PR05154

Dear Natalie Quinn:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Daniel Mackay".

R. Daniel Mackay
Deputy State Historic Preservation Officer
Division for Historic Preservation

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov



THE CITY OF POUGHKEEPSIE
NEW YORK
PLANNING DEPARTMENT
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4010 Fax: (845) 451-4006

MEMORANDUM

To: City of Poughkeepsie Common Council
From: Natalie Quinn, Planning Director
Date: August 30, 2021
Re: Malcolm X Park Improvements - SEQR Classification

Dear Members of the Common Council,

Upon review of project materials provided by the city's Engineering Department, the Planning Department has determined that the proposed Malcolm X Park Green Infrastructure Project improvements are classified as a Type II Action with regards to SEQRA, and are not subject to further environmental review. All components of the proposed work are listed below in association with the specific provision of 6 NYCRR Section 617.5 under which the above determination is being made:

Section 617.5(c)(1) maintenance or repair involving no substantial changes in an existing structure or facility;

- Repaved basketball court (Phase 1)
- New asphalt pedestrian trail on southern portion of parcel where gravel pedestrian path already exists (Phase 3)

Section 617.5(c)(2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;

- New concrete stairs and handrails (Phase 1)
- New stairs and handrails to connect to church Fellowship Hall (Phase 2)
- New pole lights and path lighting with LED fixtures (Phase 3)

Section 617.5(c)(3) retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure;

- Permeable pavers along a curved community interactive wall (Phase 2)
- Installation of bioswale (Phase 3)
- Installation of rain garden (Phase 3)

Section 617.5(c)(8) maintenance of existing landscaping or natural growth;

- Installation of pollinator garden at entry where grass area currently exists (Phase 2)
- Planting native grasses where grass area currently exists (Phase 2)
- Community garden where grass area currently exists (Phase 2)
- Proposed tree buffer and shrub buffer where grass area currently exists (Phase 3)



**THE CITY OF POUGHKEEPSIE
NEW YORK
PLANNING DEPARTMENT
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4010 Fax: (845) 451-4006**

MEMORANDUM

To: City of Poughkeepsie Common Council
From: Natalie Quinn, Planning Director
Date: August 30, 2021
Re: Malcolm X Park Improvements - SEQR Classification

Section 617.5(c)(9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

- New Natural Playground, approximately 950 square feet (Phase 2)
- New Education/Event Pavilion, approximately 800 square feet (Phase 2)
- New asphalt pathway trail on northern portion of parcel where no path currently exists, approximately 1060 square feet (Phase 2 & 3)
- Curved community interactive wall approximately 500 square feet (Phase 2)

Total: 3,319 square feet

Section 617.5(c)(21) minor temporary uses of land having negligible or no permanent impact on the environment;

- Installation of new bike racks (Phase 1)
- Community mural (Phase 1)
- Painted quotes from Malcolm X to decorate the courts (Phase 1)
- New bleachers (Phase 1)
- New benches along trail (Phase 2)
- Covered and uncovered grill stations with picnic table and grill (Phase 2)
- Community chess tables (Phase 2)

In the Matter of the Claim of

CAMERON CALVIN HARDY,

-against-

THE CITY OF POUGHKEEPSIE,

To: THE CITY OF POUGHKEEPSIE
Via Secretary of State

THE CITY OF POUGHKEEPSIE
City Chamberlain
62 Civic Center Plaza
Poughkeepsie, New York 12601

2021 AUG 27 PM 4: 23

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against **THE CITY OF POUGHKEEPSIE**, and their agents, servants and/or employees, as follows:

1. ***The name and post-office address of each claimant and claimant's attorney is:***

CAMERON CALVIN HARDY	LIAKAS LAW, P.C.
15 Marshall Street, Apt. 2	65 Broadway, 13 TH Floor
Poughkeepsie, New York 12601	New York, New York 10006
	(212) 937-7765

2. ***The nature of the claim:***

To recover money damages for personal injuries, pain and suffering, medical expenses, lost wages and related damages incurred by and on behalf of Claimant, **CAMERON CALVIN HARDY**, by reason of the negligence, carelessness, recklessness and culpable conduct of **THE CITY OF POUGHKEEPSIE**, their agents, servants and/or employees.

3. ***The time when, the place where and the manner in which the claim arose:***

WHEN: On or about August 17, 2021 at approximately 7:00 a.m.

WHERE: In front of or adjacent to the premises known as 15 Marshall Street, Poughkeepsie, New York, more specifically, on the metal hardware/water cap in the grassy area between the sidewalk and the curb/roadway. See photographs attached.

MANNER: The accident occurred as Claimant was caused to trip and fall due to a broken, cracked, depressed, misaligned, uneven and/or otherwise defective condition at the aforementioned location. The accident occurred due to the carelessness, negligence and/or recklessness of **THE CITY OF POUGHKEEPSIE**, in their control, construction, maintenance, cleaning, management, operation, ownership, repair and/or renovation of the aforesaid premises. Furthermore, the Claimant was caused to fall due to a raised, broken, misaligned and/or otherwise defective piece of "hardware" and/or water cap at the aforementioned location. The accident occurred due to the carelessness, recklessness and negligence of **THE CITY OF POUGHKEEPSIE**, in the ownership, operation, maintenance, repair, construction,

renovation, supervision and control of the aforesaid location. Additionally, *THE CITY OF POUGHKEEPSIE* and their agents, employees, departments were negligent, careless and reckless in causing and/or allowing a dangerous and hazardous trap-like condition to exist at the aforementioned location. Additionally, *THE CITY OF POUGHKEEPSIE* caused and created the condition by affirmatively placing the hardware/water cap in the area obstructed from view and improperly leveled with the surrounding ground, and further derived a special use from the area and hardware. In addition, *THE CITY OF POUGHKEEPSIE* was the owner of street hardware at the location and failed to maintain the hardware and the area surrounding the hardware 12 inches outward from the hardware. Additionally, *THE CITY OF POUGHKEEPSIE*, were negligent, careless and reckless in causing and/or allowing a dangerous and hazardous trap-like condition to exist at the aforementioned location, although they have prior actual, constructive and prior written notice of the same at least fifteen days prior to the accident herein, either through complaints made by the public at large or through its own internal records.

4. *The items of damage or injuries claimed are:*

Claimant, CAMERON CALVIN HARDY, sustained injuries, internal and external injuries to the whole body, lower and upper limbs, the full extent of which are unknown, permanent physical pain and mental anguish, loss of quality of life, future pain and suffering, future medical bills, future diminution of income, compensatory damages and punitive damages.

TOTAL AMOUNT CLAIMED: Five Million Dollars (\$5,000,000.00)

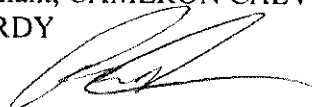
The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless said claim is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

As you are now formally put on notice of this claim, please search for and preserve all evidence pertaining to the above referenced accident/incident at the above referenced location; including but not limited to any and all videos, accident/incident reports, witness statements, and/or any documentation regarding the investigation of said incident.

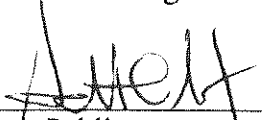
Dated: New York, New York
August 23, 2021

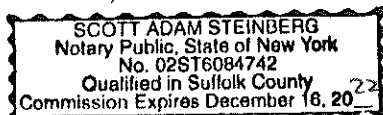
Respectfully submitted,


Pavlo Pavlatos, Esq. on behalf of
claimant, CAMERON CALVIN
HARDY


LIAKAS LAW, P.C.
Attorney for Claimant
65 Broadway, 13TH Floor
New York, New York 10006
(212) 937-7765

Sworn to before me
on the 23rd of August 2021


Notary Public









ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) SS:.
COUNTY OF NEW YORK)

The undersigned, an attorney admitted to practice in the Courts of the State of New York, and partner of the law firm Liakas Law, P.C., attorneys of record for Claimants herein, affirms:

That he has read the attached **NOTICE OF CLAIM** and the same is true to his own knowledge, except as to the matters alleged on information and belief, and as to those matters, he believes them to be true to the best of his knowledge.

That affirmant's sources of information are facts as ascertained from Claimants, upon investigation and files maintained in your affirmant's law office.

That this verification is made by your affirmant due to the fact that claimants do not presently reside within the county in which your affirmant maintains his law office or are presently outside the county in which your affirmant maintains his law office.

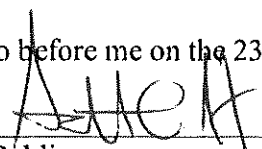
The undersigned affirms that the foregoing statements are true, under penalties of perjury.

Dated: New York, New York
August 23, 2021

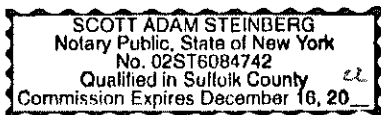


Pavlo Pavlatos, Esq.

Sworn to before me on the 23rd of August 2021



Notary Public



IN THE MATTER OF THE CLAIM OF

CAMERON CALVIN HARDY,

-AGAINST-

THE CITY OF POUGHKEEPSIE,

NOTICE OF CLAIM

LIAKAS LAW, P.C.
Attorneys for Plaintiff(s)
65 Broadway, 13TH Floor
NEW YORK, NEW YORK 10006
(212) 937-7765

To

Attorney(s) for

Service of a copy of the within

Dated:

is hereby admitted.

Attorney(s) for



*PLEASE TAKE NOTICE that the within is a true copy of an Order signed by
the Honorable
that was entered in the office of the clerk of the within named Court on*

NOTICE OF ENTRY



*that an Order of which the within is a true copy will be presented for settlement to
the*

, one of the judges of the within named Court for signature

on

Dated: New York, New York

NOTICE OF SETTLEMENT
